

## In the United States Court of Federal Claims

No. 19-1171C  
(Filed: November 21, 2019)

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WALTER ALLEN,

*Pro Se* Plaintiff,

v.

THE UNITED STATES,

Defendant.


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) Pro Se Prisoner; Failure to Prosecute;  
) RCFC 41  
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### ORDER

On October 16, 2019, the court issued an order (Docket No. 6, attached) directing Mr. Allen to file a response to the defendant's motion to dismiss by November 12, 2019 in order to proceed with his case, and that failure to respond could result in the dismissal of his case for failure to prosecute under Rule 41(b) of the Rules of the United States Court of Federal Claims ("RCFC"). A review of court records indicates that Mr. Allen has not responded to the defendant's motion to dismiss. The above-captioned case is therefore **DISMISSED** without prejudice under RCFC 41(b) for failure to prosecute.

**IT IS SO ORDERED.**

  
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NANCY B. FIRESTONE  
Senior Judge

## In the United States Court of Federal Claims

No. 19-1171C  
(Filed: October 16, 2019)

WALTER ALLEN,

*Pro Se* Plaintiff,

v.

THE UNITED STATES,


Defendant.

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) Pro Se; Order Directing Response;  
) RCFC 7.2(b)  
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### ORDER

On October 9, 2019, defendant filed a motion to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1) of the Rules of the United States Court of Federal Claims ("RCFC") (Docket No. 5). Under RCFC 7.2(b)(1), a response to a motion to dismiss under RCFC 12(b) must be filed within 28 days after service of the motion. An additional three days are added after the period would otherwise expire if service is made by mail. RCFC 6(d). Accordingly, the court **ORDERS** Mr. Allen to respond to the defendant's motion to dismiss by **Tuesday, November 12, 2019**. Failure to respond may result in dismissal for lack of prosecution. RCFC 41(b).

IT IS SO ORDERED.

  
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NANCY B. FIRESTONE  
Senior Judge